

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PAUL J. McNALLY, as he is TRUSTEE,
MASSACHUSETTS LABORERS' HEALTH AND
WELFARE FUND and NEW ENGLAND LABORERS'
TRAINING TRUST FUND; JAMES MERLONI, JR.,
as he is TRUSTEE, MASSACHUSETTS LABORERS'
PENSION FUND and MASSACHUSETTS LEGAL
SERVICES FUND; MARTIN F. WALSH, as he is
TRUSTEE, MASSACHUSETTS LABORERS'
ANNUITY FUND,

Plaintiffs

vs.

DERBES REALTY TRUST,
Defendant

and

WEYMOUTH CO-OPERATIVE BANK,
Trustee

C.A. No. 03-12609 DPW

VERIFIED REQUEST TO ENTER DEFAULT

Plaintiffs Paul J. McNally, as he is Trustee, Massachusetts Laborers' Health and Welfare Fund, et al, request the Clerk to enter the default of Derbes Realty Trust (hereinafter "Derbes"). This request is made pursuant to Rule 55(a), Fed.R.Civ.P. In support of this request, the Plaintiffs say:

- 1) This action was filed on December 28, 2003.
- 2) Complaint was served on defendant Derbes on January 9, 2004. (See copy of Return of Service attached hereto.)
- 3) Derbes has never filed an Answer nor a responsive pleading to the Complaint.

WHEREFORE, plaintiffs seek the entry of Default in this matter.

Respectfully submitted,

PAUL J. McNALLY, as he is
TRUSTEE, MASSACHUSETTS
LABORERS' HEALTH AND WELFARE
FUND, et al,

By their attorneys,

Anne R. Sills

Anne R. Sills, Esquire
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Suite #500
Boston, MA 02108
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VERIFICATION

I, Anne R. Sills, verify that I have read this Verified Request to Enter Default and that the facts set out in the Request are true to the best of my knowledge and belief.

Anne R. Sills

Anne R. Sills, Esquire

Dated: May 5, 2004

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Verified Request to Enter Default has been served by certified and first class mail upon Derbes Realty Trust at 44 Branch Street, Quincy, MA 02169 this 5th day of May, 2004.

Anne R. Sills

Anne R. Sills, Esquire